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**OCT 13 2006**

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
ATT/2000-0415

I hereby certify that this correspondence is being transmitted by facsimile to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on October 13, 2006, Facsimile No. (571) 273-8300.

In re Application of

RUBIN

Application Number

09/682,526

Filed

September 14, 2001

Signature

Typed or printed  
name Kin-Wah Tong

For METHOD FOR SECURE REMOTE BACKUP

Art Unit  
2131

Examiner  
Arezoo Sherkat

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **Please note that a Notice of Appeal was filed on February 17, 2006 with the associated Notice of Appeal Fee. Additionally, an Appeal Brief was filed on April 17, 2006 with the associated Appeal Brief Fee. Appellant believes that these previously paid fees will be applied to the new appeal. However, if the appeal fees have increased since they were previously paid, the USPTO is authorized to charge the deposit account listed below for the difference in fees or any appeal fees that may be required.**

\$ 00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-0782. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 39,400.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Signature

KIN-WAH TONG

Typed or printed name

(732) 530-8404

Telephone number

October 13, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer.

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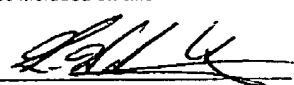
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Signature   Typed or printed name <u>Kin-Wah Tong</u>	Application Number <b>09/682,526</b>	Filed <b>September 14, 2001</b>
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Registration number <u>39,400</u> .		
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 Signature		KIN-WAH TONG Typed or printed name
		(732) 530-9404 Telephone number
		October 13, 2006 Date
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